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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN SCOTT SHIPLEY,

Defendant.

No. 4:20-mj-71166-MAG

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE PRELIMINARY  
HEARING, EXCLUDE TIME UNDER THE  
SPEEDY TRIAL ACT, AND WAIVE TIME  
UNDER RULE 5.1 FROM APRIL 22, 2021  
THROUGH MAY 21, 2021**

**FILED**

Apr 21 2021

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**STIPULATION**

The parties through counsel of record stipulate as follows: (1) to continue the preliminary hearing to May 21, 2021 to facilitate ongoing discussions; (2) to exclude time under the Speedy Trial Act from April 22, 2021 to May 21, 2021 because the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial (*See* 18 U.S.C. § 3161(h)(7)(A)); (3) to waive time under Rule 5.1, from April 22, 2021 to May 21, 2021; and (4) to confirm the conditions of release in this district.

The parties base the exclusion and waiver above on the following: Failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). With the consent of the defendant, and taking into account the public interest in the prompt disposition of criminal cases, the parties jointly request that the court set the preliminary hearing for May 21, 2021 at 1:00 p.m. and find good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

IT IS SO STIPULATED.

DATED: April 21, 2021

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/s/  
JONATHAN U. LEE  
Assistant United States Attorney

DATED: April 21, 2021

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/s/  
GRAHAM ARCHER  
Counsel for Defendant SHIPLEY

~~(PROPOSED)~~ ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds that for adequate preparation of the case by defense counsel and in the interest of justice, pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv), an exclusion of time is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY ORDERED THAT time is excluded from April 22, 2021 to May 21, 2021.

Furthermore, with the consent of the defendant, and taking into account the public interest in the prompt disposition of criminal cases, the court sets the preliminary hearing for May 21, 2021 at 1:00 p.m., based on the parties' showing of good cause to waive time under Rule 5.1, from April 22, 2021 to May 21, 2021, and finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b). Accordingly, IT IS HEREBY ORDERED THAT the waiver of time under Rule 5.1 is effective from April 22, 2021 to May 21, 2021.

IT IS SO ORDERED.

DATED: April 21, 2021



HON. ROBERT M. ILLMAN  
United States Magistrate Judge